

REMARKS

The above-identified application has been reviewed in light of the Office Action mailed on December 11, 2008. Claims 1-7, 9-12, 44-45, and 47-52 are currently pending. By the present Amendment, Applicants have amended independent Claims 1, 45, 48, and 50, as well as dependent claim 10. Applicants respectfully submit that the present Amendment does not incorporate any new subject matter and is fully supported by the specification. In addition, Applicants respectfully submit that Claims 1-7, 9-12, 44-45, and 47-52 are allowable over the references of record. In view of the amendments to independent Claims 1, 45, 48, and 50 effected herein and the following remarks and arguments, Applicants respectfully requests favorable reconsideration and allowance of the above-identified application.

Claim 10 has been amended to overcome the objection presented in the Office Action.

Claims 1-7, 10-11, 45, and 47-52 stand rejected 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,706,031 to Manera ("Manera"). It is respectfully submitted that the present invention as recited in the claims is patentably distinguishable from Manera and are therefore allowable thereover.

With reference to FIGS. 3 and 16 of Manera reproduced hereinbelow, Manera relates to a needleless access system for withdrawing medicaments from a vial 10 into a syringe 12. (See col. 3, lines 10-13). The needleless access system further includes an elongated tubular housing 50. (See col. 3, lines 32-33). Tubular housing 50 provides a mounting arrangement for a hub insert 60 that has a piercing element 62. (See col. 3, lines 37-39). The hub insert 60, hub insert housing 50, vial 10, and a stopper are pre-assembled after the vial 10 has been filled with a medicament. (See col. 3, line 67 through col. 4, lines 1-3). When the doctor or nurse wants to

9

cord blood 13 (FIG. 6) and defines a cavity 14 for receipt of at least a portion of an umbilical cord 16. (page 9, lines 21-23)

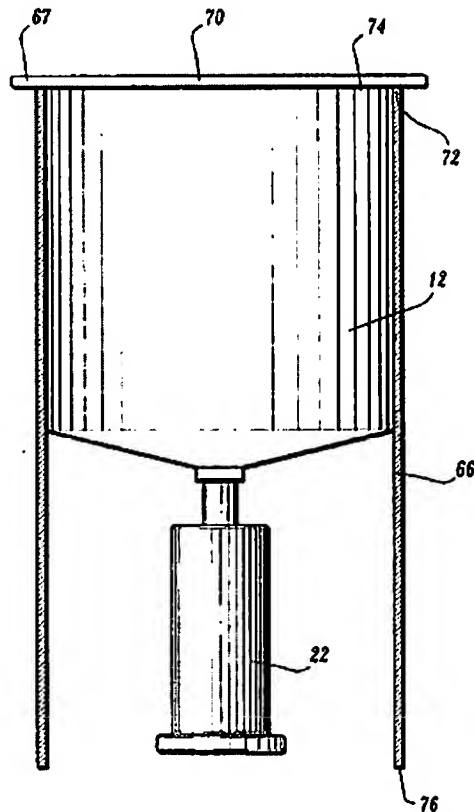


FIG. 8

Accordingly, Manera does not disclose, *inter alia*, a housing defining a cavity configured to receive a body portion that discharges said fluid. In fact, Manera discloses a housing 50 that is engagable only by a hub insert 60, a vial 10, and a syringe 12. As such, Manera is devoid of any teaching of a cavity configured to receive any body portion that

discharges a fluid. In addition, Manera further fails to teach, *inter alia*, the recited limitations because Manera draws medicament from a vial, as opposed to receiving a body portion that discharges fluid. In addition, Manera also fails to disclose the recited “base mounted to said housing, said base being positionable on a support surface to support said holder and said housing in upstanding relation with respect to the support surface and with said housing being positioned generally above said holder and said holder accommodated at least partially within said base to thereby permit the body fluids to drain via gravity from said housing to the evacuated tube”. The component identified in the Office Action as being equivalent to the recited “base” is the stopper 22. The stopper 22 “seats in the discharge opening of the vial”. (3:18-21 of Manera). Applicants fail to appreciate how the stopper 22 is structured or dimensioned to function as the recited “base” of this claim limitation.

With regard to independent claim 45, Manera fails to teach or suggest the recited “said housing defining an open cavity configured to receive a body portion with associated body fluids” and the recited “said base being positionable on a support surface to support said holder and said housing in upstanding relation with respect to the support surface, said base defining a height sufficient to enclose said evacuated tube when said evacuated tube is received within said holder and said base is positioned on the support surface”. Some of the features of some of these distinctions from Manera are at least discussed hereinabove in connection with claim 1 and are repeated herein.

With regard to independent claim 48, Manera fails to teach or suggest the recited “said housing defining an open cavity configured for reception and removal of a body portion with associated body fluids” or the recited “base configured for supporting the housing, the base

is being positionable on a support surface, and is adapted to support the housing and the holder in upstanding relation with respect to the support surface with the holder disposed beneath the housing whereby fluids flow via gravity from the first connector of the housing through the second mating connector of the holder and into the evacuated tube.” For at least some of the reasons discussed hereinabove in connection with claim 1.

With regard to independent claim 50, Manera fails to teach or suggest the recited “base for positioning on a support surface”...and “the base defines a height sufficient to support the housing, the holder and the evacuated tube above the support surface”. The stopper 22 of Manera is totally devoid of this structure and accompanying capabilities

Accordingly, for at least the foregoing reasons, withdrawal of the rejection under 35 U.S.C. 102 § (b) is respectfully requested.

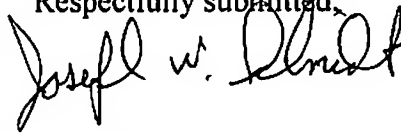
Claims 9, 12 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Manera. Claims 9, 12, and 44 each depend, either directly or indirectly from Claim 1. As such, for at least the reasons discussed above with respect to Claim 1, Claims 9, 12, and 44 add novel limitations that are unobvious. As such, Claims 9, 12, and 44 are in condition for allowance. Thus, withdrawal of this rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that all of the claims pending in the application are in condition for allowance. With this in mind, reconsideration and allowance of this application is respectfully requested.

Applicants believe that all issues raised in the Detailed Action have been responded to fully. Should the Examiner believe that a telephone interview may facilitate resolution of any outstanding issues, the Examiner is respectfully requested to telephone Applicants' undersigned attorney at the number indicated below.

An early and favorable response on the merits is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph W. Schmidt". The signature is fluid and cursive, with the first name "Joseph" being the most prominent.

Joseph W. Schmidt
Attorney for Applicant(s)
Reg. No. 36, 920

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road, Suite 420
Melville, New York 11747
Telephone: (631) 501 5700
Facsimile: (631) 501 3526